

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

—
No. 04-2208

—
UNITED STATES OF AMERICA

v.

SHAWN THOMAS
aka
FLUKEY

Shawn Thomas,
Appellant

—
On Appeal from the United States District Court
for the District of New Jersey
(D.C. No. 01-cr-00818)
District Judge: Honorable Joel A. Pisano

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Submitted Under Third Circuit L.A.R. 34.1(a)
November 3, 2004

Before: ALITO, BARRY, and FUENTES, Circuit Judges.

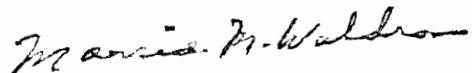
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JUDGMENT

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This cause came on to be considered on the record from the United States District

Court for the District of New Jersey and was submitted on November 3, 2004.

On consideration whereof, it is now hereby ADJUDGED and
ORDERED that the judgment of conviction is hereby AFFIRMED. The April 30, 2004
judgment of sentence is VACATED and this matter is REMANDED for resentencing.

Attest:



Clerk

Dated: April 5, 2005